

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARIA S. REMINGTON,)	
)	
Plaintiff,)	
)	
v.)	1:22-cv-557
)	
NC DEPARTMENT OF COMMERCE)	
DIVISION OF EMPLOYMENT)	
SECURITY, et. al,)	
)	
Defendant.)	

ORDER

This matter is before this court for review of the Order and Recommendation filed on November 4, 2022, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 4.) In the Recommendation, the Magistrate Judge recommends that this action be dismissed for failure to state a claim upon which relief may be granted, pursuant to Section 1915(e)(2). The Recommendation was served on the Plaintiff on August 25, 2022. (Doc. 5.) Plaintiff filed Objections to the Recommendation. (Doc. 7.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations

made by the [M]agistrate [J]udge . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the Recommendation as well as Plaintiff's Objections and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation. This court has also reviewed Plaintiff's Motion to Waive Fees to Pacer Access, (Doc. 6 (the "Motion")), and determined that the Motion should be denied.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 4), is **ADOPTED. IT IS FURTHER ORDERED** that this action is **DISMISSED** for failure to state a claim upon which relief may be granted, pursuant to Section 1915(e)(2), and that Plaintiff's Motion to Waive Fees to Pacer Access, (Doc. 6) is **DENIED.**

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 31st day of March, 2023.



United States District Judge